

*AMENDMENTS TO THE DRAWINGS*

In amended Figures 2 and 6 the duplicated reference numbers are corrected.

Attachment: Replacement Sheet(s)

*REMARKS/ARGUMENTS*

In response to the Office Action mailed April 3, 2008, Applicant amends his application and requests reconsideration. In this Amendment, all original claims, claims 1-10, are cancelled and are replaced by new claims 11-22. Accordingly, claims 11-22 are now pending.

In response to the assertion the Declaration filed was defective, a substitute Declaration is supplied. Separately, an updated Application Data Sheet is being filed to obtain a corrected filing receipt.

The drawings were rejected on a number of grounds and appropriate replacement drawing sheets are attached to this Response. The Examiner noted the duplication of the reference numbers 31 and 32 and suggested their replacement with reference numbers 4 and 5. That substitution would be improper because then reference number 4 would be duplicated. Accordingly, appropriate corrections are made in Figures 2 and 6 and corresponding amendments of the specification have been made.

In response to the second drawing objection, the cancellation of all of the original claims, including claim 8, makes that objection moot.

The final drawing objection is erroneous. The detachable fastening of the blades to the base as described in former claim 10 and in new claim 19 is illustrated in Figures 3 and 4 and described in the patent application as filed in paragraphs [0046]-[0052].

The objection to the abstract is erroneous. A substitute abstract, free of the language cited, was filed as part of the Preliminary Amendment. The substitute abstract is present in the image file wrapper for this patent application.

In response to the commentary regarding the specification including incorrect suggested changes, appropriate amendments have been made to the specification. Applicant thanks the Examiner for correcting the obvious error in the intended

correction of paragraph [0052]. While the term “guide T” may be unconventional, it is certainly not confusing or incorrect. Therefore, the term is not changed. Otherwise, each of the points noted is responded to with an appropriate correction of the specification.

The claim objections are moot in view of the cancellation of the original claims. The newly submitted claims are free of the grounds for the claim objections, with the exception of the erroneous objection to the use of the term “guide T.”

All of the newly submitted claims are clearly supported by the patent application as filed. New claim 11, the sole pending independent claim, describes the device for cutting grooves of rectangular cross-section as including three fundamental elements, a base, a handle attached to the base, and first and second blades that are fastened to the base. The first and second blades are described in terms of the cutting edges on their lateral portions that respectively cut the sidewalls of the groove in the block of material. Further, the free ends of those blades, which likewise include cutting edges, are described in greater detail. Those free ends 42 are shown in many of the figures and the cutting edges 422 of those respective free ends are likewise shown in numerous figures, such as Figures 4 and 5. The cutting edges on those free ends cut the block of material to form the bottom surface of the groove having a rectangular cross-section.

As described in paragraphs [0008], [0010], [0011], and [0039] through [0045] of the patent application, the two free ends 42 are offset with respect to each other, one cutting edge being at least partially ahead of the other as the bottom surface of the groove is being cut. The cutting edges of those free ends, in combination, extend across the entire bottom surface of the groove so that a smooth bottom surface of the groove is cut by the combination of the two cutting edges which are co-planar with each other. As a result of this arrangement, as illustrated in Figure 6 of the patent application, a groove with a rectangular cross-section and smooth substantially planar side walls and a bottom wall is easily prepared by drawing the device, while grasping the handle, across an exterior surface of the block of material.

The same cited passages support new claim 12. Dependent claims 13-19 are based upon claims originally examined. Claim 13 relates to examined claim 5 and explains the function of those turned rear edges of the free ends, namely, lifting the material cut in forming the groove, as indicated in Figure 2 of the patent application.

Claims 14-17 are based upon claims 6 and 7 and are supported by the original disclosure. Claim 18 is based on examined claim 9 but explains in somewhat greater precision what parts are adjustable, as between the base and the profile. Claim 19 is derived from original claim 10, which, as previously explained, is fully supported by the application as filed. New claims 20-22 further explain the attachment arrangement and parts of the first and second blades as described in the patent application. The first connection portion of claim 20 corresponds to the surface 431 of the blades shown, for example, in Figures 4 and 5 of the patent application. The tongues referred to in claim 21 are the unnumbered parts of the blades extending to the rear in Figure 4 and at the top of Figure 5. It is apparent that these tongues, rather than the bottom surface of the base 20, are likely in contact with the block of material as the groove is cut. Finally, the second connecting portion mentioned in new claim 22 corresponds to the elements 432 that are clearly illustrated in Figures 4 and 5 of the patent application and that are described in paragraph [0054] of the patent application.

Claim 1-3 and 10 were rejected as anticipated by O'Neal (U.S. Patent 3,596,356). No claim now pending can be anticipated by O'Neal.

O'Neal describes an apparatus for cutting a pair of slits in a block of material so that the material can be bent into a curvature, taking advantage of the material removed. Even if those slits are considered, in some way, to be rectangular grooves, there is, in O'Neal, no description of nor suggestion for a pair of blades having free ends, like the free ends described in claim 11, that overlap, and are offset so that a true rectangular groove can be cut in a block of material.

Claims 4-8 were rejected as obvious over O'Neal in view of either of Ried et al. (U.S. Patent 3,242,780, hereinafter Ried) or Rancour et al. (U.S. Patent 5,077,899,

hereinafter Rancour). This rejection is legally defective and traversed as to the original claims.

The entire basis of the rejection of claims 4-8 is something unfathomable. The Examiner merely stated that Ried and Rancour describe various blade configurations so that every possible configuration of cutting blades would be known and either anticipated or obvious. The Examiner relied upon Official Notice, which is expressly traversed, that adjustable handles are old and well known in the art. If the Examiner intends to establish *prima facie* obviousness of any pending claim, he is obliged to follow the legal requirement of showing where each element of the claimed invention is present in the prior art along with motivation to modify the existing structures or to combine elements of existing structures to produce the invention as defined by the claims. The dismissal of specific blade arrangements as described in claims as design choices is legally insufficient to establish *prima facie* obviousness.

A review of both Ried and Rancour, in light of the specific disclosures of those two patents, and O'Neal, fails to establish *prima facie* obviousness as to claim 11 or as to any other pending claim.

Perhaps of the two secondary publications, Rancour is more pertinent because it describes the cutting of a groove, referred to as a shiplap groove, having two generally rectangular grooves at different depths within a block of material. Nevertheless, the structure of the blades in Rancour is substantially different from and does not suggest the blade structure described and now claimed in the present patent application.

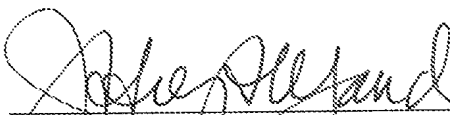
Ried seems to be directed to the cutting of V-shaped grooves in materials similar to those to which the Rancour invention is directed. Almost by definition, the arrangement described in the present patent application and claimed, for cutting grooves of rectangular cross-section, cannot be described or suggested by Ried. The cutting blade arrangement in Ried is simply entirely different from and cannot suggest the blade arrangement of the pending claims.

Claim 9 was rejected as unpatentable over O'Neal in view of one or more of three additional references. Claim 9 has a counterpart in dependent claim 18. Claim 18 is patentable over the prior art because of its dependency from claim 11. Accordingly, discussion of the multiple rejections of examined claim 9 is neither required nor supplied.

The absence of commentary concerning the pending dependent claims does not suggest that they stand or fall with claim 11. Rather, those dependent claims are directed to specific additional features of the claimed invention and, if any of those claims is to be rejected, the Examiner must establish that the elements of the claims are present in the prior art and supply the basis of modifying the prior art to combine those elements. Otherwise, those claims must be allowed, regardless of the action taken with respect to claim 11.

Reconsideration and allowance of claims 11-22 are earnestly solicited.

Respectfully submitted,



Jeffrey A. Wyand, Reg. No. 29,458

LEYDIG, VOIT & MAYER

700 Thirteenth Street, N.W., Suite 300

Washington, DC 20005-3960

(202) 737-6770 (telephone)

(202) 737-6776 (facsimile)

Date:

JAW:yes

